

BEFORE THE FISH AND WILDLIFE COMMISSION
OF THE STATE OF MONTANA

In the matter of the amendment of ARM) NOTICE OF PUBLIC HEARING ON
12.7.807 pertaining to fishing contests) PROPOSED AMENDMENT

TO: All Concerned Persons

1. On April 23, 2015, at 6:00 p.m., the Fish and Wildlife Commission (commission) will hold a public hearing at the Fish, Wildlife and Parks Headquarters, 1420 East 6th Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rule.

On April 23, 2015, at 6:00 p.m., the commission will hold a public hearing at the Fish, Wildlife and Parks Region 1 Office, 490 North Meridian Road, Kalispell, Montana, to consider the proposed amendment of the above-stated rule.

On April 23, 2015, at 6:00 p.m., the commission will hold a public hearing at the Fish, Wildlife and Parks Region 3 Office, 1400 South 19th Avenue, Bozeman, Montana, to consider the proposed amendment of the above-stated rule.

On April 23, 2015, at 6:00 p.m., the commission will hold a public hearing at the Fish, Wildlife and Parks Region 5 Office, 2300 Lake Elmo Drive, Billings, Montana, to consider the proposed amendment of the above-stated rule.

On April 23, 2015, at 6:00 p.m., the commission will hold a public hearing at the Fish, Wildlife and Parks Region 6 Office, 54078 US Highway 2 West, Glasgow, Montana, to consider the proposed amendment of the above-stated rule.

On April 24, 2015, at 6:00 p.m., the commission will hold a public hearing at the Fish, Wildlife and Parks Region 2 Office, 3201 Spurgin Road, Missoula, Montana, to consider the proposed amendment of the above-stated rule.

On April 24, 2015, at 6:00 p.m., the commission will hold a public hearing at the Fish, Wildlife and Parks Region 4 Office, 4600 Giant Springs Road, Great Falls, Montana, to consider the proposed amendment of the above-stated rule.

On April 24, 2015, at 6:00 p.m., the commission will hold a public hearing at the Fish, Wildlife and Parks Region 7 Office, 352 I-94 Business Loop, Miles City, Montana, to consider the proposed amendment of the above-stated rule.

2. The commission will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m. on April 3, 2015, to advise us of the nature of the accommodation that you need. Please contact Jessica Snyder, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; telephone

(406) 444-9785; fax (406) 444-7456; or e-mail jesssnyder@mt.gov.

3. The rule as proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

12.7.807 PROHIBITED CONTESTS (1) Contests involving any ~~Montana~~ listed species or species of special concern are prohibited except ~~the following~~:
(a) ~~contests are allowed for lake/ reservoir stocked for~~ Yellowstone cutthroat trout (*Oncorhynchus clarki bouvieri*) or westslope cutthroat trout (*Oncorhynchus clarki lewisi*) including upper Missouri cutthroat trout stocked in lakes or reservoirs.
(2) All contests involving wild trout (*Salmo Onchorhynchus* or *Salvelinus*) in streams or rivers are prohibited except contests for brook trout (*Salvelinus fontinalis*) that are restricted to anglers 14 years or younger.

AUTH: 87-3-121, MCA
IMP: 87-3-121, MCA

REASON: ARM 12.7.807 has not been amended since 2002. Section (1) is being amended for clarification purposes and the amendments do not change what is in practice or how the rule is applied. Section (2) is being amended to allow anglers 14 years old or younger to participate in contests for brook trout (*Salvelinus fontinalis*). The rule change would allow young anglers to fish organized events for brook trout in rivers and streams where they may win prizes for catching fish. Associating prizes with a young angler's angling success encourages participation in fishing and provides another incentive to learn and refine new skills.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Department of Fish, Wildlife and Parks, Fisheries Division, P.O. Box 200701, Helena, Montana, 59620-0701 or e-mail fwpfsh@mt.gov, and must be received no later than May 1, 2015.

5. Jessica Snyder or another hearing officer appointed by the department has been designated to preside over and conduct the hearing.

6. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, faxed to the office at (406) 444-7456, or may be made by completing the request form at any rules hearing held by the department.

7. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of

State strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Dan Vermillion
Dan Vermillion, Chairman
Fish and Wildlife Commission

/s/ William A. Schenk
William A. Schenk
Rule Reviewer

Certified to the Secretary of State March 16, 2015.